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WORLD CONFERENCE ON HUMAN RIGHTS
Preparatory Committee
Fourth session
Geneva, 19-30 April 1993
Agenda item 5

STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

Note by the Secretariat

Addendum

Contribution by the International Human Rights Law Group

The attention of the Preparatory Committee is drawn to the attached contribution by the International Human Rights Law Group, a non-governmental organization in consultative status with the Economic and Social Council (category II), entitled "Women's Human Rights and the 1993 United Nations World Conference on Human Rights". The statement is co-sponsored by 82 women's rights and human rights organizations and popular movements.

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WOMEN'S HUMAN RIGHTS AND THE 1993 UN WORLD CONFERENCE ON HUMAN RIGHTS

Women's rights groups, human rights organizations and popular movements worldwide have called for effective action by the international community to halt the grave violations of women's fundamental human rights occurring in all regions. As a critical step toward that goal, the World Conference on Human Rights must examine the failure of the United Nations to integrate women's human rights into its human rights programs, and endorse measures to remedy this neglect. The UN's expert and political human rights bodies have ignored many egregious violations of women's human rights. Violations that affect women disproportionately, or take specific forms based on gender -- such as rape, restrictions on women's legal capacity or constraints on access to food, -- are frequently overlooked or characterized as social or cultural practices beyond the scope of human rights standards and implementation procedures. National and international procedures for implementing guarantees of gender equality remain weak in the face of systematic gender discrimination in family law and family life, political and public life, employment, education and health care.

The World Conference should adopt recommendations for reform of existing mechanisms and for new initiatives that will enhance government accountability for violations of women's human rights. Discussions under each Conference agenda item should therefore incorporate gender-specific information and analysis. In particular, we urge the Conference to examine the following issues:

REVIEWING THE PROGRESS MADE IN THE FIELD OF HUMAN RIGHTS

First, in reviewing the progress made in the field of human rights since the adoption of the Universal Declaration on Human Rights, the Conference should address the failure of existing implementation mechanisms to consider on a consistent basis the violations of women's human rights that fall within their mandates. The treaty committees (with the obvious exception of the Committee on the Elimination of Discrimination Against Women (CEDAW)), the Rapporteurs and Working Groups established by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the experts appointed under the Advisory Services program have all disregarded or minimized gender specific abuses.

The World Conference should reaffirm the principle that women's rights are inalienable human rights and must be treated as such by all UN bodies. It should call for training programs and oversight procedures to promote the integration of women's human rights into the work of the human rights mechanisms, particularly monitoring and the formulation of recommendations to states.

In connection with this need for oversight procedures, we emphasize that if a UN Special Commissioner for Human Rights is established, his or her mandate must include ensuring that women's rights are systematically integrated with other human rights components into the UN's work. His or her responsibilities should also include improving coordination among the UN programs on the advancement of women, human rights, development and refugees. Experts on women's human rights should therefore be appointed to the staff for the Special Commissioner.

In assessing the progress made in the field of human rights, the Conference should examine the failure of international, regional and national bodies to respond effectively to violence against women. In all regions of the world, women suffer violence that breaches their basic human rights, including battering in the family, rape, sexual assault, female infanticide, "honor killings" at the hands of family members, "dowry murder" and other violence related to traditional and customary practices, and preference for male children leading to inferior nutrition, health care and education for girls. These and other forms of violence against women breach existing guarantees in the Universal Declaration, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, and other human rights instruments.

We welcome the recent effort to enhance international protections against gender-specific violence through the elaboration of a UN Draft Declaration on Violence Against Women. There is an urgent need for a normative instrument defining government obligations to prevent and respond to violence against women in public and private life. Recognition of the principle that states must exercise due diligence to prevent, investigate and punish such violence by non-governmental, as well as governmental, actors would significantly advance efforts to eliminate violence against women.

We particularly welcome the recent decision of the Commission on Human Rights to consider the appointment of a special rapporteur on violence against women. The Commission on Human Rights, and not the Commission on the Status of Women, is the appropriate body to appoint such a rapporteur, in light of its experience in the use of independent monitoring mechanisms and the significance that governments attach to its work. The rapporteur's mandate should include systematic gender-discrimination, because violence against women is closely linked to women's structural inequality and because there is a critical need for reporting on gender-discrimination in countries that are not parties to the Convention on the Elimination of All Forms of Discrimination Against Women, as well as in countries that are parties.

The World Conference should affirm that states have a duty to prevent and respond to violence against women and call on states to take immediate steps to fulfill that duty. The Conference should reiterate that acts of gender-based violence must be regularly addressed in UN monitoring, reporting and complaints procedures as violations of existing guarantees, and should call on the Commission on Human Rights to appoint a special rapporteur on violence against women and systematic gender discrimination.

Finally, in assessing the progress made in the field of human rights, the Conference should affirm that women's ability to control their own fertility is an aspect of gender equality, of the right to health, and of the equal right to determine the number and spacing of children under the Convention on the

Elimination of All Forms of Discrimination Against Women. Coercive practices or policies regarding women's fertility and childbearing, such as forced sterilization or forced childbearing, violate the Convention, as well as international guarantees of the integrity and security of the person.

OBSTACLES TO PROGRESS IN THE FIELD OF HUMAN RIGHTS

Second, the Conference should review obstacles to the realization of the principle of gender equality, and in this context consider means for strengthening the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women. Among the chief obstacles to effective implementation are the large number of far-reaching reservations entered to the Convention. Several of these purport to exclude the State parties concerned from the basic obligation to eliminate gender discrimination and so appear to be incompatible with the object and purpose of the treaty. Moreover, several are so broad and vague that it is impossible to determine the scope of the States parties' remaining obligations under the Convention.

The Conference should call on States parties to withdraw broadly-worded reservations and those reservations that exclude the basic obligation to eliminate discrimination or obligations of means that are essential to the objectives of the Convention. It should urge states to undertake regular review of the need for, and desirability of reservations to all human rights treaties, with a view to withdrawing them as soon as possible. States parties should be encouraged to object to such reservations as appropriate. The Conference should also endorse the suggestion of the meeting of Chairpersons that the Sub-Commission prepare an analysis of questions of incompatibility arising from the reservations to the principal human rights treaties.

An additional step toward strengthening implementation of the Convention would be the adoption of an optional protocol creating an individual and interstate complaints procedure. An optional complaints procedure would provide an important means of redress for victims and an avenue for furthering interpretation and application of the Convention. It would place the Convention on an equal footing with the other human rights treaties that have optional complaints procedures.

THE RELATIONSHIP BETWEEN DEVELOPMENT, DEMOCRACY AND HUMAN RIGHTS

Third, in addressing the interdependence and indivisibility of all human rights, the Conference should recommend measures to promote effective implementation of economic, social and cultural rights and to ensure that development models are compatible with the realization of all human rights. Twenty-five years after the adoption of the Proclamation of Teheran, which emphasized that the promotion and protection of one set of rights does not exempt states from the protection and promotion of another, the UN's efforts to advance economic, social and ycultural rights continue to lag far behind its efforts to promote civil and political rights. This neglect and the failure to protect all human rights in the development process have had devastating consequences for women.

The denial of economic, social and cultural rights and the negative effects of structural adjustment policies have had a disproportionate impact on women due to gender discrimination in public and

family life and the nature of women's roles in economic production. In public life, women suffer from economic discrimination within the labor force and the informal sector, and from development policies that reduce their access to economic resources. Within the family, gender discrimination in the distribution of household resources (including the preference for male children in several societies that results in inferior nutrition, medical care and education for female children) leaves women and girls more vulnerable to violence and restricts their ability to exercise rights in public life.

The Conference should call for national and international administrative, judicial and other means for vindicating economic, social and cultural rights and for ameliorating the negative effects that structural adjustment policies have had on women's economic, social and cultural rights in many countries -- including their rights to work, food, housing, health care and education. Financing institutions should be urged to include criteria concerning women's ability to exercise their human rights in assessing development programs and to include "social safety nets" in structural adjustment programs.

CONTEMPORARY TRENDS IN HUMAN RIGHTS

Fourth, the Conference must give careful consideration to UN peacekeeping activities, emergency response mechanisms, and humanitarian assistance as "contemporary trends in and challenges to the full realization of all human rights of men and women." In this context, the Conference should recommend measures to prevent and to respond to gender-specific abuses in situations of internal or international armed conflict and ethnic conflict. The Conference should also consider means for responding to the particular needs of women as a group in crisis situations, including international or internal armed conflict. In many such situations, women constitute the majority of the refugee or displaced population and suffer gender-specific abuses, including sexual assault and exploitation.

UNIVERSALITY IN THE CONSIDERATION OF HUMAN RIGHTS ISSUES

Fifth, the Conference should emphasize that governments must counter all forms of religious or cultural intolerance denying women's human rights and liberties, as affirmed in the resolution on the protection of women's human rights adopted by the Regional Meeting for Africa. In considering the need to ensure the universality of human rights, it must be recognized that fundamentalism in many religious and cultural traditions has resulted in systematic restrictions on women's basic rights.

COOPERATION IN THE FIELD OF HUMAN RIGHTS

Sixth, in formulating recommendations for enhancing cooperation in the field of human rights, the World Conference must ensure that the human rights dimensions of issues implicating the work of the specialized agencies are not neglected. For example, the human rights issues arising from the global pandemic of HIV/AIDS can only be addressed by the combined efforts of the specialized agencies and human rights bodies of the UN, with specific attention to the needs of women. As CEDAW has stated, "programmes to combat AIDS should give special attention to the needs of women and children, and to the reproductive role of women and their subordinate position in some societies which make them especially vulnerable to HIV infection."

ADVANCE MEASURES

In order to ensure that these and other issues relating to women's human rights are fully integrated into the work of the World Conference, this preparatory meeting should (1) affirm the principle of broad NGO participation in the Conference, including women's groups and popular movements; (2) call on states to provide resources to facilitate NGO participation in the Conference, particularly for NGOs from countries in the South; (2) ensure the equitable participation of women and men in official government delegations; (3) include gender-specific information and analysis in background documentation prepared for the Conference; and (4) authorize the Secretariat to create formal procedures for communication between NGO meetings and the official World Conference, including briefings by the Secretariat before and after consideration of major agenda items and procedures for distribution of written statements by governments and NGOs.

RECOMMENDATIONS TO THE WORLD CONFERENCE

We urge the World Conference to endorse the following measures to ensure the realization of women's human rights:

1. Steps should be taken to **ensure that the UN's expert and political human rights bodies regularly address violations of women's human rights**, including gender-specific abuses, in the areas that fall within their mandates, including:

** **training for UN human rights and humanitarian relief personnel and for independent experts** to ensure that they will address human rights abuses specific to women and carry out their work without gender-bias;

** **periodic evaluations** of the effectiveness of the UN monitoring, reporting and complaints procedures, as well as its advisory services and training programs in addressing, and devising more effective responses to, violations of women's human rights.

** goals and timetables for securing **equal representation of women on all UN treaty committees and among the Special Rapporteurs and Working Groups** established by the Commission on Human Rights and the Sub-Commission, and in the program on advisory services in human rights;

** the preparation of a **report on the effectiveness of these initiatives for the 1995 World Conference on Women.**

2. **A UN Special Rapporteur on systematic gender-discrimination and violence against women should be appointed by the Commission on Human Rights.** The Rapporteur should be authorized to receive and report on information from governments, non-governmental organizations and inter-governmental institutions; to respond effectively to allegations of these violations against women; and to recommend measures to prevent continuing violations.

3 . In order to **strengthen implementation of the Convention on the Elimination of All Forms of Discrimination against Women**, the Conference should:

** urge states that have not done so to ratify the Convention on the Elimination of All Forms of Discrimination; Against Women, stressing the goal of **universal ratification**;

** call on State parties to **withdraw** those **reservations** to the Convention that are obstacles to its effective implementation, and to **object to reservations by other States parties** that are incompatible with the object and purpose of the Convention;

** request the Centre for Human Rights and the Division for the Advancement of Women to prepare a joint study outlining procedures for drafting **an optional protocol that would an individual complaints procedure under the Convention**, and endorse the elaboration of such an optional protocol;

** call for **adequate material and human resources** for the CEDAW and more effective exchange of information and interaction between CEDAW and the other treaty bodies.

4. To give effect to the principle of the **interdependence and indivisibility of all human rights**, the Conference should:

** call for **measures to better ensure the full realization of economic, social and cultural rights**, including national and international means of vindicating those rights;

** call for measures to **ensure the full integration of women into all stages of the development process**;

** call for measures to **ameliorate the effects of structural adjustment policies on women's human rights** and their ability to secure nutrition, housing, and health care.

5. The World Conference should endorse policy and operational guidelines to **ensure the full integration of human rights components into UN peacekeeping operations, emergency response mechanisms, election monitoring activities, and humanitarian assistance initiatives**. These guidelines should be aimed at integrating human rights considerations into the planning, implementation and follow-up to all such activities, with particular attention to:

** **measures to protect women in crisis situations**, including women refugees and displaced persons;

** **measures to prevent and respond to abuses against women in situations of international or internal armed conflict;**

** **measures to ensure that the UN's initiatives in these areas promote respect for women's human rights,** including appropriate training and supervisory procedures for UN personnel.

6. The Conference should call for expanded access of NGOs with expertise on the human rights of women to all UN activities relating to human rights, including the work of the specialized agencies.

Endorsed by the following organizations:

Arab Lawyers Union
Article 19
CHANGE
France-Libertes: Fondation Danielle Mitterand
Habitat International Coalition
Human Rights Advocates
International Alliance of Women
International Council of Jewish Women
International Council of Voluntary Agencies
International Federation of Human Rights
International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities
International Fellowship of Reconciliation
International League for the Rights and Liberation of Peoples
International Service for Human Rights
Lawyers Committee for Human Rights
Oxfam
Women's International League for Peace and Freedom
World University Service
World Young Women's Christian Association
NOVIB (Netherlands)
Black Lawyers Association (South Africa)
Corporación Colectivo de Abogados (Colombia)
Programa Venezolano de Educacion-Accion en Derechos Humanos (PROVEA) (Venezuela)
Women in Law and Development in Africa (WILDAF)
CLADEM (Peru)
Regional Centre for Human Rights and Development (Eritrea)
The Human Rights Commission of Pakistan
AGHS Legal Aid Cell (Pakistan)
Punjab Women Lawyers Association (Pakistan)
The Uganda Association of Women Lawyers, FIDA
The Malik Ghulam Jilani Foundation (Pakistan)
Oficina Jurídica para la Mujer (Bolivia)
University of Durban-Westville (South Africa)
WIDE (Ireland)
Servicio, Paz y Justicia en America Latina (Equador)
Centro de Análisis y Difusión de la Condición de la Mujer,
Casa de la Mujer La Morada (Chile)
Asian Women Human Rights Council (AWHRC)
Reseau Sou-Régional Femmes Africaines et Droits Humains (REFAD)
Ain o Shalish Kendro (Law and Mediation Center) (Bangladesh)

- International Council on Social Welfare
- International Federation Terre des Hommes
- International Women's Tribune Centre
- Latin American Federation of Associations of Relatives of Disappeared Detainees
- World Federation of Methodist Women

Terre des Hommes Germany
Centro de Promoción de la Mujer Gregoria Apaza (Bolivia)
Pakistan Institute of Labour Education & Research
Bureau d'Assistance Juridique (Rwanda & Zaire)
Instituto Brasileiro de Analises Sociais e Economicas (Brasil)
Center for Women's Global Leadership (USA)
International NGO Forum on Indonesian Development (INGI) (Indonesia)
Friends of Woman Foundation (Thailand)
Nederlandse Vereniging van Vrouwen met Academische Opleiding
(VVAO) (Netherlands)
Intermón (Spain)
PROFAMILIA (Colombia)
Sudanese Women Union, Cairo Branch (Egypt)
Justicia et Pax (Netherlands)
Women for Change (Zambia)
Groupe Developpement (GARD) (France)
Actionaid (United Kingdom)
Forum-Asia for Human Rights and Development (Thailand)
Asia Pacific Forum on Women, Law and Development (Malaysia)
Centro Santo dias de direitos humanos (Brazil)
Legal Research and Resource Center (Egypt)
Association Libanaise des droits de l'homme (Lebanon)
Deutsche Welthungerhilfe (Germany)
Oikos (Portugal)
Fundacion Dialogo Mujer (Colombia)
Instituto Democracia Education y Accion Social (Chile)
Society for Community Organisation Trust (India)
Tamil Nadu Network of Voluntary Organisations (India)
Society for International Development (Germany)
El Taller (Tunisia)
Institute for Women, Law and Development (USA)
B'Tselem (The Israeli Information Center for Human Rights in the Occupied Territories)
Actionaid (United Kingdom)
Bonded Labour Liberation Front (India)
Bhartiya Arya Pratinidhi Sabha (India)
Entre Mujeres (Peru)
Shrikat Gah (Pakistan)
Vrouwenberaad Ontwikkelingssamenwerking (Netherlands)
Namai Khamateen (Pakistan)
Asociacion Venezolana para una Educacion Sexual Alterniva (Venezuela)